

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

July 18, 1991

ALL COUNTY LETTER NO. 91-68**TO: ALL COUNTY WELFARE DIRECTORS****SUBJECT: CEJA et. al. v. CARLSON - PRELIMINARY INJUNCTION**

This is to provide follow-up on instructions to counties provided in All County Letter No. 91-62 dated July 3, 1991 regarding the CEJA et. al. v. CARLSON preliminary injunction. Information provided to counties previously in ACL #91-62 stated that the mandatory provisions of the court injunction were appealed by the Department and were stayed pending review by the court. Following this appeal, the plaintiffs filed a motion asking the Appellate Court to remove this automatic stay. The court granted that motion on July 16, 1991. The court ordered that the preliminary injunction would remain in effect and that its mandatory provisions were not stayed (see attachment).

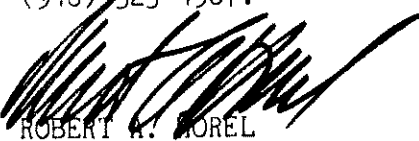
Therefore, counties are instructed to carry out the provisions of the court order. Those provisions include: The only formula counties may use when deeming income from AFDC disqualified immigrants legalized under the Immigration Reform and Control Act of 1986 (IRCA) to AFDC children and family members, is the stepparent deeming formula found in Section 44-133.63. In addition, counties are restrained from recouping any overpayments of AFDC benefits to any children and family members of such immigrants attributable to the use of any deeming formula other than the stepparent deeming formula.

Additional mandatory provisions include the following requirements for counties:

- 1) Recalculate July 1991 AFDC benefits using the stepparent deeming formula for all income deemed from disqualified newly legalized immigrants.
- 2) Identify all affected AFDC cases and begin using the correct formula for deeming income for legalized immigrants no later than the payment month of August 1991.
- 3) Notify all affected recipients via a notice to be included with the August 1, 1991 AFDC checks, that they may request a recalculation of their benefits for July 1991. English and Spanish versions of the text to be used in this notice are attached.
- 4) Counties where the named plaintiffs reside (i.e. Los Angeles, San Bernardino and San Mateo) are to recompute AFDC grants for these individuals using the stepparent deeming formula. This provision has already been implemented by means of individual letters sent to affected counties. It is included again to remove any possible questions which could be raised concerning compliance with the court order.

The emergency regulations referred to in ACL #91-62 are still in progress with an intended effective date of August 1, 1991. However, because the Appellate Court has lifted the stay on the preliminary injunction, counties shall abide by the terms of the preliminary injunction as outlined above.

If you have any questions, please call Mary Galaza of the AFDC Policy Bureau at (916) 323-4967.



ROBERT A. MOREL
Deputy Director

Attachment

COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE

FIRST APPELLATE DISTRICT

DIVISION: 1

FILED

JUL 16 1991

Court of Appeal - First District
RON D. EMMON, Clerk

By _____
DEPUTY

Ricardo Ceja, et al.,
Plaintiffs and Respondents,
v.
Lonnie M. Carlson, et al.,
Defendants and Appellants.

A054222
San Mateo Co. No. 362529

BY THE COURT:

Pending consideration of the appeal on file in A054215, Ricardo Ceja, et al., v. Lonnie M. Carlson, et al., and subject to further order of this court, all provisions of the Order re: Preliminary Injunction filed June 27, 1991, in Ceja, et al., v. Carlson, et al., County of San Mateo Superior Court No. 362529 shall remain in force and are not stayed by the filing of an appeal of that preliminary injunction.

Dated: JUL 16 1991

STEIN, J.

A.P.J.

Text of notice required to be included by court order (Ceja v. Carlson) with August 1, 1991 AFDC checks. The notice must be provided in Spanish as well as English. Other languages may be provided at county option. Counties may revise the information about how to apply, if they wish.

IMPORTANT NOTICE

AFDC May Owe You Money for July

Has anyone in your home, who has income, been granted temporary or permanent resident status under the Immigration Reform and Control Act of 1986 (IRCA)? If so, you may ask the County Welfare Department to refigure your Cash Aid for July, 1991. You may ask right away. Because of a new rule, you may be able to get more money.

Here's how to apply:

Ask your worker. He or she will help you apply.

AVISO IMPORTANTE

Es posible que AFDC le deba dinero correspondiente a julio

¿Se le ha otorgado a alguien en su hogar, que recibe ingresos, residencia temporal o permanente bajo el Acta de Reforma y Control de Inmigración de 1986 (IRCA)? Si es así, usted puede pedir a su departamento de bienestar del condado que vuelva a calcular su asistencia monetaria para el mes de julio de 1991. Puede hacerlo de inmediato. Con base en una nueva regla, es posible que usted reciba más dinero.

Para solicitarlo:

Pregúntele a su trabajador(a). El/ella puede ayudarle a solicitarlo.